IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5484 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HANSABEN M PARMAR - Petitioner(s)

Versus

SANCHALAK & 2 - Respondent(s)

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Appearance :

MR ADIL MEHTA for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
RULE SERVED for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 08/12/2005

ORAL JUDGMENT

1.On 2.12.2005 this court observed, interalia, as under:

"Main matter is heard. It prima-facie appears that petitioner is victim of rape and as per the policy of the Government, she was

given employment of 29 days. Thereafter, the engagement is not continued. It deserves to be recorded that such cases deserve to be sympathetically considered even by the Government for the purpose of engagement as daily rated basis or for 29 days.

I would have considered the matter further. However, Mr.Dipan Desai, learned Asst.Government Pleader, seeks time to report to this Court as to whether it is possible for the department to continue her on the same position at the same place or at a different place. Hence, S.O. to 08.12.2005. Matter to be listed in the admission board."

2. Today, when the mattter is further taken up for hearing Mr.Desai, Ld.AGP under the instructions of Mr.P.M.Chavda, Joint Director, Scheduled Caste Welfarre, states that the petitioner will be offered job as daily wager on the same status and will be paid wages not less than the minimum wages prescribed for the post. The appointment order for posting the petitioner shall be issued to the petitioner within a period of ten days from today.

3. In view of the above, as the petitioner would be reinstated as per the declaration made, no cause would survive for the present. Hence, present petition is disposed of with the direction to the State authorities to comply with the statement made for offering work to the petitioner as daily wager.

4.It is further directed that the services of the petitioner shall not be terminated without following the procedure required under law.

5.Rule made absolute to the aforesaid extent. Considering the facts and circumstances, there shall be no order as to costs.

8.12.05/murty (JAYANT PATEL,J)